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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14
15 **UNITED STATES OF AMERICA,**

16 Cr. S-04-289 WBS

17 vs.
18 Plaintiff,

19
20 **STIPULATION AND [PROPOSED]
21 ORDER RE: CONTINUANCE OF
22 STATUS CONFERENCE AND
23 EXCLUSION OF TIME UNDER
24 SPEEDY TRIAL ACT**

25
26 **MICHAEL STEVENS,**

27 Hon. William B. Shubb

28 Defendant(s).

STIPULATION

19 Plaintiff, United States of America, by and through its counsel, Assistant United States
20 Attorney Matthew Segal, and defendant Michael Stevens, by and through his counsel, Hayes H.
21 Gable III, agree and stipulate to vacate the existing status conference in the above-captioned action,
22 May 11, 2005, and to continue the matter to, June 15, 2005, at 9:00 a.m.

23 The reason for this continuance is that the government is in possession of information which
24 requires further investigation. The parties are not in a position to resolve this case until it is
25 determined what benefit the defendant may receive as a result of the provided information. Further,
26 defense counsel requires additional time to obtain and review court documents relating to the
27 defendant's prior record to determine whether he is a career criminal.

28 The parties further agree and stipulate that the period for the filing of this stipulation until
29 June 15, 2005, should be excluded in computing time for commencement of trial under the Speedy

1 Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4,
2 to allow continuity of counsel and to allow reasonable time necessary for effective presentation.

3 It is further agreed and stipulated that the need of defense counsel to prepare exceeds the
4 public's interest in commencing trial within 70 days.

5 Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

6
7 IT IS SO STIPULATED

8 DATE: May 10, 2005

9 s/Hayes H. Gable, III
10 **HAYES H. GABLE, III**
11 Attorney for Defendant

12 DATE: May 10, 2005

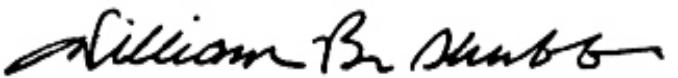
13 s/Matthew Segal
14 **MATTHEW SEGAL**
15 Asst. U.S. Attorney

16 **ORDER FINDING EXCLUDABLE TIME**

17 For the reasons set forth in the accompanying stipulation and declaration of counsel filed under seal,
18 the status conference in the above-entitled action is continued to June 15, 2005, at 9:00 a.m. The
19 court finds excludable time in this matter from May 11, 2005 through June 15, 2005, under 18
20 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow
21 reasonable time necessary for effective presentation. For the reasons stipulated by the parties, the
22 Court finds that the interest of justice served by granting the requested continuance outweigh the best
23 interests of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A), (h)(8)(B)(iv).

24 IT IS SO ORDERED.

25 DATE: May 10, 2005

26 
27 **WILLIAM B. SHUBB**
28 UNITED STATES DISTRICT JUDGE